

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SHIRLEY CRUZ,

Plaintiff,

-against-

PLANNED PARENTHOOD FEDERATION  
OF AMERICA, INC. and PLANNED  
PARENTHOOD ACTION FUND, INC.,

Defendants.

Case No.:

**COMPLAINT**

**JURY TRIAL DEMANDED**

Plaintiff Shirley Cruz, by her attorneys, Crumiller P.C., as and for her complaint against Planned Parenthood Federation of America, Inc. and Planned Parenthood Action Fund, Inc. (together, “Planned Parenthood” or the “organization”), respectfully alleges as follows, upon information and belief:

**PRELIMINARY STATEMENT**

1. In August 2020, Planned Parenthood hired Shirley Cruz, an Afro-Latina woman as a Senior Video Producer. Cruz was renowned for her joyous and uplifting portrayals of communities of color, and she was excited to lend her talents to the reproductive justice movement. Unfortunately, Cruz immediately learned that Planned Parenthood expected her to perform menial work well below her pedigree and complete excruciating hours for days on end with no break and no overtime pay. Even worse, Planned Parenthood openly tokenized Cruz by forcing her to translate Spanish content (a task that had nothing to do with her job description) and to attend meetings about Latino Heritage Month projects in which she had no involvement. In addition, Planned Parenthood required Cruz attend regular performative “retreats” about race, wherein it expected she educate her white colleagues about life as a brown person.
2. Cruz complained repeatedly to Human Resources about this tokenism, the under-resourcing of Black observances, the uncomfortable and racist “retreats,” and the degrading

expectation that she work herself to the bone performing tedious tasks beneath her abilities. Cruz also advocated for diversity in hiring, criticizing Planned Parenthood's tendency to hire its executives' white friends over deserving contractors and staff of color. Cruz felt more and more desperate as she came to realize that not a single person at the organization cared about these issues of equity. Eventually, her doctor insisted that she go on medical leave for the sake of her mental health, during which she realized that she could not conceivably return.

3. Throughout her tenure, Cruz faced well-documented and chronically unremedied patterns of racism at Planned Parenthood. She had hostile, racist supervisors about whom many others had complained. Her white supervisors repeatedly overlooked her, overworked her, over-scrutinized her, tokenized her, interrupted her, dismissed her, and belittled her. Nevertheless, Cruz strongly believed in Planned Parenthood's mission and sought to advance its work in the face of these obstacles. She maintained her composure and persevered; she did everything right. Instead of rewarding her efforts, Planned Parenthood punished her for refusing to remain silent.

### **PARTIES**

4. Plaintiff Cruz is an Afro-Latina woman who resides in New York. She was an employee of Planned Parenthood from August 31, 2020, through January 10, 2022.

5. Defendant Planned Parenthood Federation of America, Inc. is a national 501(c)(3) non-profit organization incorporated in New York, with its principal place of business located at 123 William Street, New York, NY 10038. Planned Parenthood delivers reproductive health care, sex education, and information to millions of people worldwide and has been a health care provider and advocate in the U.S. since its founding in 1916. The core organization's annual revenues are approximately \$300 million, with total global revenues of all affiliates exceeding \$1.5 billion. In addition, there are 49 local "affiliate" organizations.

6. Defendant Planned Parenthood Action Fund, Inc. (the “Action Fund”) is a national 501(c)(4) non-profit organization incorporated in New York, with its principal place of business located at 123 William Street, New York, NY 10038. The Action Fund is Planned Parenthood’s lobbying arm, engaged in political activity in which the (c)(3) cannot participate without jeopardizing its tax status. The Action Fund’s annual revenues are approximately \$38 million.

7. Upon information and belief, Planned Parenthood Federation of America, Inc. and the Action Fund (referred to collectively herein as “Planned Parenthood”) jointly employed Cruz.

### **JURISDICTION AND VENUE**

8. This Court has subject matter jurisdiction over Cruz’s claims pursuant to 28 U.S.C. § 1343 as Plaintiff has asserted claims that arise under federal laws of the United States. This Court has supplemental jurisdiction over Cruz’s state law claims pursuant to 28 U.S.C. § 1367 as those claims are so related to the federal claims in this action such that they form part of the same case or controversy.

9. Venue is proper in the Southern District of New York pursuant to 29 U.S.C. § 1391(b)(2) as it is the judicial district in which a substantial part of the events or omissions giving rise to the claim occurred.

### **EXHAUSTION OF ADMINISTRATIVE REMEDIES**

10. On September 27, 2022, Cruz filed a timely Charge of Discrimination with the U.S. Equal Employment Opportunity Commission (“EEOC”).

11. On September 20, 2023, the EEOC issued Cruz a Notice of Right to Sue.

## **FACTUAL ALLEGATIONS**

### **I. History of Employment**

12. Before working for Planned Parenthood, Cruz worked in the film industry for over a decade across broadcast television, film, commercial spots, non-profit video production, and documentary work. She had extensive experience producing and directing videos, as well as creating still photography. Cruz had worked with numerous A-list celebrities and her work was featured in publications like Harper's Bazaar and Elle. However, Cruz always remained focused on highlighting and uplifting the stories and history of communities of color.

13. When the Planned Parenthood opportunity came up, Cruz was excited for the opportunity to use her talents doing something that really mattered to her.

14. During interviews, Cruz noticed that Planned Parenthood paid very little attention to her actual work. It appeared from her conversations that nobody had looked at her website to assess other projects she had completed. After five or six interview rounds, she had an interview scheduled with Senior Creative Director Elizabeth Bawol, which Bawol cancelled without explanation. Confused, Cruz contacted Human Resources ("HR"), who simply told her that she was hired.

15. On August 13, 2020, Cruz began working at Planned Parenthood as a Senior Video Producer.

16. Cruz reported to Video Director Rachel Velasquez, along with two others. Velasquez reported to Bawol, a white woman, who managed the 12-person creative team.

17. It quickly became clear to Cruz that she was a token diversity hire. Planned Parenthood tasked her with menial work far below the level for which she was ostensibly hired. As a Senior Video Producer, she expected that she would be creating and writing projects, leading production

teams, planning shoots, coordinating visual design, collaborating with teams to oversee messaging – essentially, using her creative abilities to tell stories through video.

18. Instead, Cruz was surprised to learn that Planned Parenthood regularly hired outside film crews, mostly consisting of the executives' white friends. Velasquez had Cruz performing the entry-level work of a production assistant, such as coordinating amongst the team and with vendors, handling paperwork, managing supplies and equipment, and general clerical and administrative tasks.

19. Soon after her employment began, Cruz attended her first Zoom meeting with the creative team, led by Bawol. As people joined the call, they discussed their common frustration about how Planned Parenthood consistently devalued Black History Month and other Black observances.

20. Instead of addressing the stated concerns, Bawol yelled, "That's not what this meeting is about!" and hung up, leaving the meeting. Cruz was shocked and taken aback.

21. After Bawol left the meeting, the creative team continued to commiserate about what they all felt were racist depictions of Black people in Planned Parenthood's programming or marketing materials, i.e., representations of Black people as struggling and/or impoverished. Many individuals within the creative team had lobbied rigorously for the organization to issue content showcasing Black individuals that were happy and/or successful, but Planned Parenthood refused.<sup>1</sup> The creative team also fought for Black creators' work to be showcased but was invariably met with resistance from Bawol and the other executives, who preferred to hire their white friends.

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<sup>1</sup> For example, creatives of color often cited Defendants' "This is Health Care" and "Ours to Tell" for their negative depictions of Black people.

22. As she heard her team members voice their grievances, Cruz grew extremely concerned; what had she got herself into? She was shocked that Bawol had expressed no concerns whatsoever about the clear disparities in Planned Parenthood's programming priorities.

23. On September 4, 2020, just a few weeks into her employment, Cruz relayed these concerns to Sumi Yi, HR Manager, who then relayed them to Senior HR Director Charise Beckett, a Black woman. On September 9, 2020, Beckett emailed Cruz requesting a meeting to discuss Yi's report. In that meeting the following day, Cruz shared her concerns with Beckett. Beckett thanked Cruz for raising these issues, promised to investigate the matter, and asked Cruz to reach out again if she had any further concerns.

24. Cruz never heard back, and no action was taken.

25. Cruz's offer letter stated that she was being hired to work 35 hours per week. However, within a few months of starting, it became apparent that she would be working many more hours than that: Bawol regularly contacted her late at night and on weekends, demanding immediate responses regarding items that could easily have waited until normal work hours.

## **II. Racism At Planned Parenthood Is Publicly Reported**

26. On August 21, 2020, *BuzzFeed News* published an explosive article entitled, "Employees Are Calling Out Major Reproductive Rights Organizations For Racism And Hypocrisy."<sup>2</sup> The reporter, Ema O'Connor, interviewed 26 employees at Planned Parenthood affiliates. She found:

"[P]eople of color, and especially Black people, were often stuck in lower-paying administrative roles, causing high turnover rates among staff of color and preventing nonwhite employees from rising to positions of power within the organizations. Black current and former staffers at four of the [Planned Parenthood] affiliates told BuzzFeed News they faced racism and were berated and belittled by their bosses while their non-Black colleagues were not. They also said they were unable to move up within the organization, while their white colleagues were promoted."

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<sup>2</sup> O'Connor, Ema, *Dozens Of Black Employees Said They Faced Racism At Planned Parenthood, An Internal Audit Found*, BUZZFEED NEWS (October 9, 2020) [https://www.buzzfeednews.com/article/emaconnor/black-employees-planned-parenthood-racism\\_](https://www.buzzfeednews.com/article/emaconnor/black-employees-planned-parenthood-racism_)

27. In response to the article, on October 26, 2020, Alexis McGill Johnson, President of Planned Parenthood, sent an all-staff email pledging to combat racism:

“[T]oo many people of color face unfair backlash for speaking truth to power, and that should have no place in our movement. I also know that their experiences might reflect yours. We know from our employee engagement surveys that staff of color, in particular Black staff, experience significantly lower engagement scores, higher levels of stress, and lower retention rates.”

28. The email also referenced internal “AORTA” surveys<sup>3</sup> the organization had been conducting to address racism and expressed optimism that “[t]he results from these conversations and data will certainly provide more insight to inform this work.” However, Johnson’s promises were hollow. Planned Parenthood had all the information it needed to stop mistreating and undermining its employees of color.

29. In October 2020, AORTA shared the results of its survey at the monthly meeting of the National Black Associates (“NBA”), Planned Parenthood’s resource and affinity group for Black employees.

30. On October 9, 2020, *BuzzFeed News* published an explosive article titled, “Dozens Of Black Employees Said They Faced Racism At Planned Parenthood, An Internal Audit Found.”<sup>4</sup> The article described what Black employees had experienced: “Many Black members of staff felt they were limited in their roles and the kind of work they were assigned by ‘racialized assumptions.’” In general, “...the organization’s Black employees feel that Planned Parenthood’s treatment of them internally does not line up with its social justice–driven mission.”

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<sup>3</sup> On June 18, 2020 the employees of the Planned Parenthood’s New York affiliate published an open letter describing systemic racism within the organization. The letter, which was signed by hundreds of employees, described a pattern of willful inaction: After years of complaints from staff about issues of systemic racism, pay inequity, and lack of upward mobility for Black staff, highly-paid consultants were brought in three separate times to assess the situation. Each time, employees of color were brutally honest about their experiences. Following this, Planned Parenthood hired the Anti-Oppression Resource and Training Alliance (“AORTA,” <https://aorta.coop/>) to conduct a survey at the national office to interview Black employees about their experiences.

<sup>4</sup> O’Connor, *Dozens Of Black Employees Said They Faced Racism At Planned Parenthood*, Buzzfeed (2020).

31. According to the article, Black employees also experienced a higher level of scrutiny than their white colleagues:

“[Black] employees said they felt they were ‘placed under greater scrutiny than white colleagues, both in terms of how Black staff are perceived at work, as well as the number of hours they work.’” One employee said “There were ‘lots of stories’ of Black employees being expected to put in ‘extraordinary hours of work’ even if they were going through a family crisis . . . while white employees were given more leeway.”<sup>5</sup>

### **III. Planned Parenthood Openly Tokenizes Cruz; Planned Parenthood Gives Cruz a Disparately Onerous Workload and Denies Her Overtime Pay**

32. Neither Planned Parenthood’s public proclamations nor the survey results inspired the organization to remediate its abjectly racist treatment of Cruz.

33. In or around November 2020, Bilingual Content Lead Ana Maria Malaga asked Cruz to begin translating other people’s projects into Spanish. Cruz had no background in translation, which had nothing to do whatsoever with her responsibilities. However, because of her Latina heritage, she was expected to pile this additional task onto her already-full plate.

34. After Cruz translated one document as directed, Brand Strategy Senior Director Lauren Garcimonde-Fisher (a white Latina woman) complained that the translation was “too NYC street/ mixed dialect Spanish,” and needed to be more “neutral” i.e., European Spanish. Cruz could hardly believe that she was being chastised for her purportedly inadequate work in a task for which she had no training or background and had not been hired to do.

35. By this point, Cruz was devoting only about 10% of her time to the higher-level work she had ostensibly been hired to do.

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<sup>5</sup> This was not the first time Planned Parenthood had faced public scrutiny for its hypocrisy. In 2018, Planned Parenthood was accused of discriminating against pregnant employees. Natalie Kitroeff & Jessica Silver-Greenberg, *Planned Parenthood Is Accused of Mistreating Pregnant Employees*, N.Y. TIMES, (December 20, 2018) <https://www.nytimes.com/2018/12/20/business/planned-parenthood-pregnant-employee-discrimination-women.html>.

36. Additionally, although Planned Parenthood claimed Cruz was “exempt” from overtime, her title and job responsibilities indicated otherwise.

37. To evade its pay obligations, Planned Parenthood routinely altered Cruz time records. For example, in November 2020, Velasquez told Cruz that she had edited Cruz’s timecards to ensure that they did not reflect more than 35 hours a week, although Cruz had in fact worked significantly more than that. Velasquez wrote:

Hey Shirley! I just approved your timecard for the last two weeks and wanted to let you know that the hours should add up to 7hrs per day since you’re exempt!  
I went ahead and changed the times for this one

42. In addition to their regular work, Cruz and other employees of color were required to attend a host of various meetings and “retreats” about race. Throughout her employment, Cruz was required to attend approximately 10 retreats. The meetings were generally loathed by employees of color, who felt extraordinarily uncomfortable and tokenized during such retreats.

43. Cruz was often the sole non-white employee in the “breakout groups” to which she was assigned. She felt incredibly uncomfortable and belittled as the organization forced her to spend significant time and emotional labor educating her white colleagues about what it was like to live life as a brown person. For example, during a retreat shortly following the 2020 presidential election, Cruz fielded pointed questions regarding Hispanic voting patterns and why Hispanics might vote Republican in states like Florida.

44. On December 1, 2020, Bawol hosted an all-day “Winter Gathering” retreat, focused on Diversity, Equity, and Inclusion. It was widely believed that this was intended to somehow compensate for the many complaints Planned Parenthood had received about Bawol’s racism.

45. Part of the retreat consisted of a “fishbowl” where staff was encouraged to share anything bothering them. However, staff was not permitted to make any individual accusations or point fingers, which prevented them from discussing the elephant in the room: Bawol herself.

46. Later, on February 22 and 23, 2021, Cruz was forced to attend a two-day Communications and Culture (“CNC”) retreat which included a Venn diagram showing a spectrum of racial identities; employees were asked to point to where they identified themselves on the diagram.

47. During the discussion, when a white employee confessed that she used to make assumptions about people’s race based on their writing style, she was praised for her bravery and

vulnerability. Planned Parenthood paid no mind to the pain and discomfort its employees of color suffered during these discussions.

48. Cruz felt forced to constantly relive the trauma of being tokenized and having to cater to, and effectively perform for, her white peers. If these retreats were intended in any way to help Planned Parenthood's employees of color, they did the opposite. They were performative, uncomfortable, and a waste of time for already-overworked staff. Worse, they did nothing to address the specific, concrete complaints that employees of color had registered over and over again without recourse.

49. Cruz specifically complained about these group exercises to Beckett. She explained that she felt uncomfortable, tokenized, and put on the spot, due to her race and ethnicity. Beckett ignored the concerns, and simply said the exercises were mandatory.

#### **IV. Cruz Continues to Suffer Toxic Hostility, Necessitating Medical Leave and Constructive Discharge**

50. On March 29, 2021, the organization's annual promotion period closed. In the 75-person CNC department, 20 percent of which was Black, none of the six employees who had been promoted were Black.

51. Shortly thereafter, Planned Parenthood hired Bawol's white friend, Emily Bucci, to take over Velasquez's duties while Velasquez went on a personal leave. There was no apparent reason why the organization had not promoted one of the creative team members internally, other than the fact that they were all women of color. Indeed, as an outsider with no experience in the organization, Bucci struggled to field the types of questions and concerns that regularly arose and often simply acted as an intermediary between others.

52. Planned Parenthood continued to work its employees of color to the bone. In March 2021, Cruz worked for 30 days straight, without a single day off. She complained again to

Beckett about the overwhelming number of responsibilities Planned Parenthood was expecting her to fulfill. Beckett simply replied that Cruz would have to continue working weekends due to a staff shortage. She said, “We see you; we hear you.”

53. On July 27, 2021, Cruz met with Beckett again. She expressed, as she had done before, all of the ways in which she was feeling tokenized and disrespected as a Latina in the workplace. Bizarrely, Beckett asked Cruz why she hadn’t mentioned the issue sooner. Cruz was taken aback as it appeared that Beckett was gaslighting her and falsely claiming that this was the first she was hearing of such issues. When Cruz mentioned that she feared retaliation for her complaints, Beckett interrupted angrily insist she would not retaliate; she then instructed Cruz not to badmouth HR and abruptly ended the call.

54. On August 2, 2021, Cruz met with General Counsel Kumiki Gibson and Beckett and renewed her complaints regarding tokenism and other race-related issues in the workplace, but Gibson was not interested. She explained that her role was just to “keep people out of depositions.”

55. As was well-documented by the AORTA report, Cruz was far from the only employee complaining of racism within the organization. On August 25, 2021, Nicole Long, a Black woman who was employed as Associate Director of Brand Projects, emailed her supervisor, Garcimonde-Fisher, along with CNC’s Managing Director Jamila Galloway. Long described various instances wherein she had received unfair and unwarranted criticism and concluded, “these are clear and immediate examples of . . . what I meant by Brand and Culture being rooted in white supremacy.”

56. Garcimonde-Fisher and Galloway did not respond; instead, they apparently forwarded the email to Beckett, who summoned Long to a meeting shortly afterward. Beckett screamed at

Long: “Who do you think you are, sending that email?! What made you think you wouldn’t be fired for that?!” Beckett, continued: “You give Black women a bad name. You can’t come to HR without proof, it makes you look bad, and it makes *us* [Black women] look crazy!” Long was aghast that HR’s only response to her complaint of white supremacy was to threaten her employment.

57. It was clear that neither the legal department, nor HR, nor any of the executives, actually cared about the racism and pattern of retaliation that persisted at the organization. They only cared about Planned Parenthood’s reputation and hoped to keep up its facade of being a justice-centered organization.

58. In or about September 2021, Bawol went on maternity leave. Again, rather than considering any of the creative team members of color for promotion as Bawol’s temporary replacement, Planned Parenthood simply kept Bucci on.

59. In November 2021, Cruz had become so anxious from the toxicity she experienced at work that her treating psychiatrist advised her to take a medical leave of absence for the sake of her mental health. Her doctor wrote:

“Over the past several weeks, in the context of burn out and overwhelm, her depressive symptoms have been becoming more severe, leading to bouts of very low mood and worsening insomnia. She is also experiencing episodes consistent with dissociation and panic attack. It has become much more difficult for her to function at work and at home, and her ongoing attempt to manage increasing stress from work is becoming a risk for further deterioration of her mental health. It is therefore my clinical assessment that requires a leave of absence/short term disability.”

60. Cruz was approved and commenced her leave in mid-November. That same month, another Black woman in the CNC department resigned her employment due to Planned Parenthood’s toxicity and racism.

61. During Cruz’s leave, she realized that there was no resolution in sight for the racism she had continued to experience at Planned Parenthood. On January 10, 2021, upon the expiration of her leave, she resigned her employment.

62. When Video Director Theresa Darlington asked why she was resigning, Cruz replied that she had repeatedly complained to HR regarding racism and tokenism, to no avail. On January 10, 2021, she wrote to Chief People Officer Steve Manley (the head of HR), and several other executives, explaining:

“This is not a resignation, more that I was hired under false pretenses, was assigned work that was completely out of my scope, I never received a raise, my 401k was not matched, policies and benefits constantly changed, I was denied vacation on multiple occasions, I was expected to work on weekends, I was forced to participate on the witch-hunt regarding Rachel Velasquez (not sure if you are aware of her case but she has a class action lawsuit against PPFA for the exact same thing that happened to me), I was forced to participate in exercises pertaining to my race and mental health, and so on. . . .

“. . . Since my first day at PPFA, my introduction to [Bawol] and the team was everyone on the team brought up the fact that she was racist. I immediately reached out to H.R. (Charise Beckett and Sumi Yi) and brought up my concerns about my role and the internal politics within the team. Over the course of the year I can see why those comments were made based on multiple instances of being tokenized, undermined, and our D.E.I. and “retreat exercises.” I also spoke up multiple times to H.R., Jamila, Galloway, Rachel Moreno (until the hour that she was terminated), Melaine Newman, Leshia Johnson, and on our C&C meetings to which nothing was resolved and I was told on multiple instances, “We see you and hear you, please be patient and in time things will sort out.”

63. Planned Parenthood claimed, as it had done many times before, that it would “initiate an investigation” into the claims.

#### **V. Planned Parenthood Continues to Pretend It Cares About Racism and Avoid Accountability**

64. In November 2021, two Black woman in the CNC department resigned their employment due to Planned Parenthood’s toxicity and racism.

65. Despite the many complaints Planned Parenthood has received and the many investigations it claims to have launched, it does not appear to have ever taken any substantive action.

66. In January 2022, Long resigned from her employment specifically because of Planned Parenthood's toxic, anti-Black workplace culture and chronic, un-remediated mistreatment of Black employees.

67. To this day, Planned Parenthood has not taken a single step to remedy the race discrimination which continues to harm its staff of color. Instead, it has chosen to perpetuate the discrimination by pushing employees like Cruz to quit and making its workplace so inhospitable that other employees of color simply cannot remain.

**FIRST CAUSE OF ACTION:  
Discrimination in Violation of Title VII**

68. Cruz repeats and realleges each allegation set forth above.

69. Planned Parenthood unlawfully discriminated against Cruz in the terms and conditions of her employment by subjecting her to disparate treatment, hostile work environment, and constructive discharge, on the basis of her race, in violation of Title VII of the Civil Rights Act of 1964, *as amended*, 42 USC § 2000e *et seq.* ("Title VII").

70. As a result, Cruz has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

71. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Cruz's federally protected rights.

72. Cruz is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**SECOND CAUSE OF ACTION:  
Retaliation in Violation of Title VII**

73. Cruz repeats and realleges each allegation set forth above.
74. Planned Parenthood unlawfully retaliated against Cruz for her protected discrimination complaints by thereafter subjecting her to disparate treatment and adverse actions in violation of Title VII.
75. As a result, Cruz has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.
76. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Cruz's federally protected rights.
77. Cruz is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**THIRD CAUSE OF ACTION:  
Discrimination in Violation of § 1981**

78. Cruz repeats and realleges each allegation set forth above.
79. Planned Parenthood unlawfully discriminated against Cruz in the terms and conditions of her employment by subjecting her to disparate treatment, hostile work environment, and constructive discharge, on the basis of her race, in violation of 42 U.S.C. § 1981 ("§ 1981").
80. As a result, Cruz has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.
81. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Cruz's federally protected rights.
82. Cruz is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**FOURTH CAUSE OF ACTION:  
Retaliation in Violation of § 1981**

83. Cruz repeats and realleges each allegation set forth above.

84. Planned Parenthood unlawfully retaliated against Cruz for her protected discrimination complaints by subjecting her to disparate treatment and adverse actions in retaliation for her protected activities, in violation of § 1981.

85. As a result, Cruz has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

86. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Cruz's federally protected rights.

87. Cruz is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**FIFTH CAUSE OF ACTION:  
Discrimination in Violation of the NYSHRL**

88. Cruz repeats and realleges each allegation set forth above.

89. Planned Parenthood unlawfully discriminated against Cruz in the terms and conditions of her employment by subjecting her to disparate treatment, hostile work environment, and constructive discharge, on the basis of her race, in violation of the New York State Human Rights Law, N.Y. Exec Law § 296(1) ("NYSHRL").

90. As a result, Cruz has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

91. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Cruz's rights.

92. Cruz is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**SIXTH CAUSE OF ACTION:  
Retaliation in Violation of the NYSHRL**

93. Cruz repeats and realleges each allegation set forth above.

94. Planned Parenthood retaliated against Cruz for her protected discrimination complaints in violation of the NYSHRL.

95. The retaliatory actions to which Cruz was subjected could have dissuaded reasonable employees in her position from complaining of discrimination.

96. As a result, Cruz has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

97. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Cruz's rights.

98. Cruz is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**SEVENTH CAUSE OF ACTION:  
Discrimination in Violation of the NYCHRL**

99. Cruz repeats and realleges each allegation set forth above.

100. Planned Parenthood unlawfully discriminated against Cruz in the terms and conditions of her employment by subjecting her to disparate treatment, hostile work environment, and constructive discharge, on the basis of her race, in violation of the New York City Human Rights Law, N.Y.C. Admin. Code § 8-107(1)(a) ("NYCHRL").

101. As a result, Cruz has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

102. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Cruz's rights.

103. Cruz is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**EIGHTH CAUSE OF ACTION:  
Retaliation in Violation of the NYCHRL**

104. Cruz repeats and realleges each allegation set forth above.

105. Planned Parenthood retaliated against Cruz for her protected discrimination complaints in violation of the NYCHRL.

106. The retaliatory actions to which Cruz was subjected could have dissuaded reasonable employees in her position from complaining of discrimination.

107. As a result, Cruz has suffered emotional distress and has incurred compensatory damages, economic damages, attorney's fees, and costs.

108. Planned Parenthood willfully engaged in discriminatory practices with malice and/or reckless indifference to Cruz's rights.

109. Cruz is entitled to an award of emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs.

**NINTH CAUSE OF ACTION:  
Unpaid Overtime in Violation of the NYLL**

110. Cruz repeats and realleges each allegation set forth above.

111. Cruz was employed within the meaning of New York Labor Law ("NYLL") § 190(2), and Planned Parenthood were employers within the meaning of the NYLL §190(3).

112. Planned Parenthood refused to pay Cruz overtime wages to which she was entitled under the NYLL Article 19 §§ 650 *et seq.*, and the supporting New York State Department of Labor Regulations.

113. Cruz regularly worked in excess of 40 hours per week during the period of her with Planned Parenthood.

114. Planned Parenthood knowingly and willfully failed to pay Cruz her overtime wages, thereby entitling Cruz to an award of 100% liquidated damages.

115. Cruz is entitled to her unpaid overtime wages plus an additional equal amount as liquidated damages, plus 9% interest, attorneys' fees, costs and expenses.

#### **DEMAND FOR RELIEF**

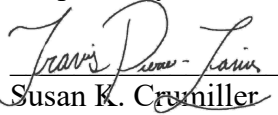
WHEREFORE, it is respectfully requested that the Court enter judgment in favor of Cruz and against Defendants, in amounts to be determined by the finder of fact, on the First, Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Causes of Action, awarding emotional distress damages, compensatory damages, economic damages, punitive damages, attorney's fees, and costs, and granting such other relief as may be just.

**DEMAND FOR TRIAL BY JURY**

Pursuant to FRCP § 38(b), Plaintiff demands a trial by jury.

Dated: Brooklyn, New York  
December 18, 2023

Respectfully submitted,



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